

**IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN  
DISTRICT OF NEW YORK**

Ning Ye	)	
	)	Ex Parte Petition for TRO
Petitioner	)	File No.:
	)	
vs.	)	
New York Board of Elections	)	
Respondent	)	

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**PETITIONER NING YE’S EX PARTE, URGENT PETITION FOR  
TEMPORARY RESTRAINING ORDER**

/s/Ning Ye, Esq., *pro se*  
The Petitioner  
135-11 38<sup>th</sup> Avenue  
Apt. 11A  
Flushing, NY 11354  
Tel.: (718) 308-6626  
Email.: yeningusa@gmail.com

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**New York Board of Elections:**

PLEASE TAKE NOTICE that upon the annexed affidavit of Ning Ye, duly affirmed this 30<sup>th</sup> day of December, 2020 (after hour), with the annexed papers and exhibits, and all the pleadings and proceedings heretofore had herein, the undersigned will move this Court at 50 Pearl Street, New York, NY 10007 on the \_\_\_\_\_ day of \_\_\_\_\_, year 202\_\_ at \_\_\_\_\_ am/pm in the forenoon/afternoon of that day or as soon as thereafter as counsel can be heard for an order for bench ruling on this Ex Parte Petition for TRO, to temporarily enjoin the allegedly rigid New York City Election count, due to most recently discovered election frauds or serious irregularity which disenfranchises the constitutional rights to vote of this petitioner and uncertain number of similarly situated victims within the city of New York, yet to be determined by recounting, votes forensic auditing or reelection. PLEASE TAKE FURTHER NOTICE that answering papers if any must be served on the undersigned no later than \_\_\_\_\_ days before the Petition is noticed to be heard.

Dated: 12/30/2020

Respectfully submitted by,

/s/Ning Ye, pro se  
135-11 38<sup>th</sup> Avenue, Rm 1A  
Flushing, NY 11354  
Tel.:7183086626; Fax: 7182285816  
Email: yeningusa@gmail.com

To: New York Board of Elections.  
119-35 Queens Blvd., 11<sup>th</sup> Floor  
Forest Hill, NY 11375

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Here comes this undersigned petitioner, *pro se*, respectfully prays to this Honorable Court, to immediately issue a Temporary Restraining Order against Respondent to enjoin the apparently rigid vote counts of the City of New York, under the manipulation of the Respondent, pursuant to Rule 65 (b)(1) and Rule 85 (b) ( 3 ).

Due to the emergency situation while poisonous fruit of this election under the Respondent’s wrongful manipulation highly likely disfranchising great numbers of voters like this undersigned petitioner casting ballots for candidate Donald Trump will become integral part of fixed finality with all alleged frauds and irregularity on January 6, 2020, approximately a week before finding of newly discovered evidence just emerged on December 28, 2020, this Petitioner respectfully prays that the Honorable Court immediately issue a TRO against the New York City Board of Elections, to freeze the election counts temporarily pending the court’s further disposition pursuant to Rule 65 ( b ) ( 3 ).

In annex to Affidavit of Defendant, Affidavit of Defendant’s Counsel, and to Supporting documentary evidence, Petitioner, respectfully prays to this Honorable Court to hold a post TRO show cause conference \_\_\_\_day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_forenoon/afternoon, to order Respondent to show cause why he should not be enjoined from counting the rigid election results without first re-franchising all discovered or momentarily undiscovered victims of such unconstitutional broadly

infected disenfranchisement through recounting or reelection under this Honorable Court appointed independent monitors. This Petitioner seeks to revocation of the rigid election apparently infected with unethical frauds and pinpointed knowing irregularity with solid evidence as the annexed Affidavits and what the Respondent voluntarily offered evidence against its interests. The counts of the City of New York as the resulting outcome of such self-evident proof was obviously infected with election fraud at the cost of unconstitutionally disenfranchising the voting rights of this undersigned petitioner as well as that of the similarly situated victims, leading to further irreparable harms to the compelling national interests to maintain the integrity of the constitutional democracy being Blessed by the Lord our Creator.

Petitioner's experience of being unlawfully deprived his constitutional rights to vote is apparently not an isolated incident, There must be enormous number of voters for President Donald Trump and GOP candidates were similarly disenfranchised. Doing so by the Respondent has brutally violated also our nation's constitutional safeguard for equal protections under the 14<sup>th</sup> Amendment.

### **Brief Discussion**

In this great nation of constitutional democracy whose foundation was laid by our founding fathers, a citizen's right to vote is deemed sacred and each vote counts while knowing disenfranchisement of such citizens' equally protected rights is not permissible neither will it be tolerated in the eyes of law.

Respondent's disenfranchisement against the petitioner and the similarly situated victims has violated the petitioner's equal voting rights under 42 USC 1965 and 1974. 52 USC 10101, as well as the equal protection under 14<sup>th</sup> Amendment.

"Having once granted the right to vote on equal terms, the State may not, by later arbitrary and disparate treatment, value one person's vote over that of another. See, e.g., **Harper v. Virginia Bd. of Elections**, 383 U.S. 663, 665 (1966) This petitioner's ballots should not be undervalued and illegally invalidated for such

frivolous and clueless reason, if any, because he was found to have voted for President Donald Trump and candidates of GOP, This is just for the same for such other similarly situated disfranchised victims as Ms. Shuqin Xu, the eyewitness whose ballots was also undervalued and uncounted for the same clueless reason, if any reason. (Please refer to her Affidavits and annexed exhibits 4, 5, 6 and 7.)

It must be remembered that “the right of suffrage can be denied by a debasement or dilution of the weight of a citizen’s vote just as effectively as by wholly prohibiting the free exercise of the franchise.” **Reynolds v. Sims**, 377 U. S. 533, 555 (1964).

When such illegal disenfranchisement has evidently occurred and judicial remedy is being pursued, such judicial remedy may need to be carried out in timely manner.

### **Conclusion**

Wherefore, in foregoing light, Petitioner humbly prays that this Honorable Court immediately issue an urgent TRO order, prior to hearing, to enjoin Respondent from making further harms against the Petitioner, the similarly disenfranchised victims within the City of New York, as well as the greater victim, the entire nation of the United States, for the sake in preserving the integrity of our nation’s constitutional democracy being Blessed by the Lord our God.

Wherefore, accordingly, this undersigned respectfully prays to his Honorable Court that a TRO to temporarily enjoin the Respondent from continuing compounding its vote counts into the State of New York’s vote pool, pending the Court’s further injunctive and declaratory disposition for the interests of justice.

This petitioner respectfully prays for a Three Justice Panel to hear and adjudicate this petition.

Due to the emergency situation being caused by too-late arriving of such decisive evidence in exposing the vote frauds under the Respondent’s manipulation, this Petitioner prays that the Honorable Court kindly allows the Petitioner to submit the

full length Bill of Complaint by the Court designated deadline after this TRO Petition was firstly filed and docketed.

Respectfully submitted by,

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/s/Ning Ye, Esq.

Petitioner, *Pro se*

135-11 38<sup>th</sup> Avenue, Rm 1A

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**TEMPORARY RESTRAINING ORDER**(draft)

On reading of the Affidavit of Ning Ye, dated December 30, 2020, with annexed Affidavits and the Exhibits annexed thereto, as proof as to the absolute and immediate need for emergency relief sworn to on this December 30, 2020, it is hereby

Ordered that Respondent is hereby temporarily enjoined from continuing disenfranchising the Respondent and all the similarly situated victims of such disenfranchisement, whose number and identity must be found through recounting and such other proper and practicable inspection and voting related forensic vote auditing.

Before such Court ordered remedial measures are fully implemented and carried out, the election counts within the jurisdiction of the Respondent should be temporarily frozen, and deducted from the count of that of the State of New York, pending further disposition from this Court;

The respondent or its counsel shall appear and show cause before this Court at 500 Pearl Street, New York, NY 10007 on the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_ at \_\_\_\_\_ am/pm in the forenoon/afternoon of that day or as soon as thereafter, Part \_\_\_\_\_ thereof, to be held at forenoon/afternoon of that day, or as soon as thereafter as counsel can be heard, (1) why such a Temporary Restraining Order (TRO) should not be issued with respect to enjoining the Respondent, his agents, associates, employees, deputies, proxies, from committing further harms in disenfranchising the Petitioner and similarly situated disfranchised victims yet to be identified through recounting, forensic auditing or through reelection; (2). Why a Temporary Restraining Order

(TRO) should not be issued with respect to enjoining the respondent to continue using the poisonous fruit out of such election irregularity to be included in the election count of the State of New York. (3) why such any other remedy should not be issued granting such other relief to Petitioner and similarly situated disfranchised victims as this Court deems just and proper.

It is further Ordered that Petitioner must use the most prompt way of communication such as Federal Express or Email to notify the Court's Decision to the Respondent.

It is further

Ordered that service of a copy of this Order to Show Cause, together with all the related supporting papers appended hereto, be made upon Plaintiff, by Federal Express Overnight delivery or by same day personal delivery by 6pm, on \_\_\_\_day of \_\_\_\_\_, 20\_\_\_\_.

It is this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

It is so ORDERED.

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The Hon.

**THE PRESIDING JUDGE**